

REMARKS

I. Introduction

At the time of the Office Action of June 8, 2007, claims 1-40 were pending in this application. Of those claims, claims 7, 8, 18, and 23-30 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. §1.142(b). Applicants acknowledge, with appreciation, the Examiner's allowance of claims 20-22, 31-35, 36/20, 37/20, 38/20, and 40. Applicants also acknowledge, with appreciation, the Examiner's indication that claim 37/2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, claims 2, 15, and 39 have been amended, and claim 1 has been canceled, without prejudice, reserving right to prosecution in a continuation application. Care has been exercised to avoid the introduction of new matter. Support for the amendment can be found in, for example, Fig. 2A and relevant description of the specification.

Claims 2-6, 9-17, 19-22, 31-40 are now active in this application, of which claims 2, 20, 39, and 40 are independent. A Request for Continued Examination is filed herewith.

II. Rejection under 35 U.S.C. §112, Second Paragraph

Claim 1 has been rejected under 35 U.S.C. §112, second paragraph. This rejection has been rendered moot by the cancellation of the claim. Withdrawal of the rejection of the claim is, therefore respectfully solicited.

III. Rejection under 35 U.S.C. §103(a)

Claims 1-6, 14, 16, 17, 19, and 39

Claims 1-6, 14, 16, 17, 19, and 39 have been rejected under 35 U.S.C. §103(a) as being anticipated by Machida et al. in view of Yan et al. The rejection of claim 1 has been rendered moot by the cancellation of the claim.

With respect to independent claim 2, the Examiner admitted that Machida et al. does not disclose at least an element other than the electrodes provided on the pair of substrates to generate a mechanical vibration. However, the Examiner asserted that Yan et al. teaches the missing feature of Machida et al., and concluded that it would have been obvious to modify Machida's device based on the teachings of Yan et al. to arrive at the claimed invention.

Applicants submit that Machida et al. and Yan et al., either individually or in combination, do not disclose or suggest a display device including all the limitations recited in independent claim 2. Specifically, the applied combination of Machida et al. and Yan et al. does not teach, at a minimum, "a vibration-generating portion provided so as to face a space in which the group of particles travel and configured to generate a mechanical vibration using at least a vibration material interposed between the electrode and one of the substrates having that electrode," as recited in claim 2.

As admitted by the Examiner, Machida et al. is silent on the claimed vibration material. Applicants also submit that Yan et al. does not teach the claimed vibration material. Yan et al. in Fig. 2 discloses vibrator 29 attached to electrode 26. However, it is apparent that Yan et al. does not teach any structural relationship among the substrate, electrode, and vibration material, as claimed. In contrast, claim 2 recites, among other things, a vibration material interposed between the electrode and one of the substrates having that electrode.

Based on the foregoing, Applicants submit that Machida et al. and Yan et al., either individually or in combination, do not disclose or suggest a display device including all the limitations recited in independent claim 2. The above discussion is also applicable to independent claim 39. Dependent claims 3-6, 14, 16, 17, and 19 are also patentably distinguishable over Machida et al. and Yan et al. at least because these claims respectively include all the limitations recited in independent claim 2. Applicants, therefore, respectfully solicit withdrawal of the rejection of the claims and favorable consolation thereof.

Claims 9-13, 15, 36-2, and 38-2

Claims 9-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Machida et al. and Yan et al. in view of Holman et al.; claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Machida et al. and Yan et al. in view of Hasegawa et al.; claim 36-2 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Machida et al. and Yan et al. in view of Harada et al.; and claim 38-2 has also been rejected under 35 U.S.C. §103(a) as being unpatentable over Machida et al. and Yan et al. in view of Sakamaki et al.

Claims 9-13, 15, 36-2, and 38-2 depend from independent claim 2. Applicants, thus, incorporate herein the arguments made to respond to the rejection of independent claim 2 under 35 U.S.C. §103 for obviousness predicated upon Machida et al. and Yan et al. The Examiner's additional comments and reference to Holman et al., Hasegawa et al., Harada et al., and Sakamaki et al. do not cure the deficiencies of the applied combination of Machida et al. and Yan et al. Applicants, therefore respectfully solicit withdrawal of the rejection of the claims, and favorable consideration thereof.

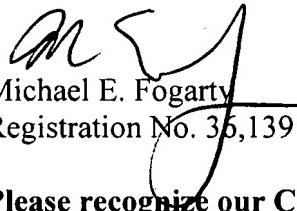
IV. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

**Please recognize our Customer No. 53080
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF:lnm
Facsimile: 202.756.8087
Date: September 10, 2007

WDC99 1447416-1.061352.0063